

## Instructions for Submitting CJA Attorney Vouchers (CJA20 for non-capital representations) and CJA30 for capital representations)

### Step 1– Creating your Voucher

When you are ready to start entering time, **download and save** the applicable Excel CJA billing form. **Always use the most recent Excel billing form** from the court’s website as the form from the website will have the current hourly and mileage rates. Fully complete all worksheets including Boxes 8, 9, 10, & 21 of the non-capital CJA20 voucher (or Boxes 8, 9, 14, & 20 of the capital CJA30 voucher). **If this is the first time that you are submitting an Excel billing form to the Tenth Circuit, please review *Instructions for Excel Billing Workbooks*.**

**IF** CJA20 (non-capital) fees **exceed the statutory maximum**, prepare an excess-fee memo/letter OR fully complete the CJA27 form included in the MSEXcel CJA20 billing workbook.

Fully complete Box 22 (CJA20) or Box 21 (CJA30) on the voucher by checking all appropriate boxes. Submit the billing workbook in MSEXcel (2003, 2007 or 2010). **DO NOT LOCK OR SCAN TO PDF**

### Step 2 – Submitting your Voucher

Begin composing a new email to this e-dress: [CJA\\_Vouchers@ca10.uscourts.gov](mailto:CJA_Vouchers@ca10.uscourts.gov). On the email **Subject Line**, insert the ***appellate case number*** (NOT district court) and caption. In the body of the email, explain any issues (e.g., delay, failure to obtain prior approval to exceed \$800 in Westlaw/Lexis charges, waiver of compensation over-the-cap, etc.) and state you will send the original signed CJA20 or 30 voucher and CJA5/Attorney Data Form by mail.

#### Attach to the email the following:

1. A fully completed MSEXcel billing workbook ***in Excel, not .pdf!***
2. PDF copies of all required ***itemized*** (not just credit card) receipts (over \$50 single-item/category expenditures, commercial copying, Westlaw/Lexis & all travel).
3. A PDF copy of any cert petition and reply, without attachments.
4. For first/final voucher, attach a PDF version of any *separate* excess-fee memo/letter you created in lieu of or addition to the noncapital case CJA27 in the MS Excel CJA20 billing workbook (for first and final voucher).
5. For budgeted appeal with interim voucher approval, attach a PDF version of the *Statement in Support of Final Request for Payment and Retainage Release*.
5. Review the attached ***Pre-Submission Deficiency Checklist*** to ensure that your voucher is complete.

Send the e-mail with all attachments to [CJA\\_Vouchers@ca10.uscourts.gov](mailto:CJA_Vouchers@ca10.uscourts.gov)

### Step 3 – Preparing the CJA5/Attorney Data Form

If your billing address has changed since your last voucher submission, please prepare a new CJA 5/Attorney Date Form and attach it to the paper copy (Step 4) that you mail to the court of appeals.

### Step 4 – Mail Paper Copy

**Then**, by regular mail, send **ONLY** the following two pieces of paper: 1) your completed CJA 5/Attorney Data Forms, and 2) the original, fully completed, signed & dated, CJA20 or CJA30 voucher (**ONLY** the 1-page CJA 20 or 30, not any supporting documentation), with counsel’s actual signature to:

**Tenth Circuit Court of Appeals, Attn: CJA, 1823 Stout St., Denver, CO 80257**

**Questions? E-mail: [CJA\\_Vouchers@ca10.uscourts.gov](mailto:CJA_Vouchers@ca10.uscourts.gov)**

## Pre-Submission Deficiency Checklist

### VOUCHER DETAIL

1. Please document all time spent and all expenses incurred on a CJA appeal. If you decide **to waive compensation** for any time or reimbursement for any expenses, please so indicate in your voucher submission cover email.
2. Your billing entries must be **accurate and contain sufficient detail**:
3. Is the **correct date** entered for every time and expense claimed on each worksheet (in-court, out-of-court, travel expenses, other expenses)? Look at the appellate docket. Sort the entries on each worksheet by date using the 'button' provided. Crosscheck your time and expense entries against the appellate docket entries.
4. Are any **entries** (other than interview and conferences) **NOT supported by the appellate docket**? E.g., district court time (hearings, pleadings not related to the appeal, etc. which must be claimed on a district court voucher), "review NDA" when no appellate NDA issued that day, "Review gov't answer brief" or "work on reply brief" when the government had not yet filed any answer brief, etc.
5. Avoid **duplicate entries** (e.g., time spent on the identical task or expense more than once (not building on prior work, but simply an erroneous re-entry of the identical task)?
6. **Avoid excessive billing for simple tasks.** For example, six minutes (.1 hr) or more is not reasonably and necessarily required to review every Notice of Docket, particularly those not accompanied by any document, nor three-sentence orders, minute orders, transcript order responses, pro forma orders granting extensions of time/setting oral argument, nor other pro forma docket entries. Please combine time spent reviewing several such entries into a single task description.
7. Provide **sufficient detail** to allow the court to exercise informed judicial discretion? Please strike a balance between: (a) meeting your obligation to provide sufficient information for the court to determine whether your time and expenses are compensable/reimbursable, and (b) not disclosing any attorney-client communication or attorney work product. Do more than repeatedly describe a task in generalities, e.g., "work on opening brief." Add a few words to provide more detail. For example:  
*Record Review; summarize/annotate Vol. 2 transcripts*  
*Record Review: Review PSR, witness x testimony*  
*Research reasonable suspicion; outline argument*  
*Consider rehearing petition; discuss w/client; discard idea*  
*Letter to client re Cert denial, 2255*
8. Is any time claimed for work on prison condition issues, family matters or other work unrelated to the appeal? Time or expenses **unrelated to the appeal** cannot be paid from CJA funds.
9. If **oral argument was held**, your in-court task description (a) should note the queue position (e.g., "3rd of 5") of your argument and (b) the amount claimed should not exceed 1.0 hour? (Claim all waiting time on the out-of-court worksheet.)

10. Indicate the **total number of pages** for every pleading /transcript /evidence/ correspondence you **reviewed** and/or **filed** on the out-of-court worksheet in Column D?

11. Briefly describe the **nature of your legal research** for every time entry in that category? E.g., “Westlaw research, circuit split, ‘crime of violence.’”

12. You cannot request compensation for an **attorney or paraprofessional performing clerical or administrative tasks**? Time spent on tasks such as mailing, delivering briefs to the printer, resolving e-filing difficulties with the clerk’s office, etc. are clerical or secretarial in nature and are neither compensable as attorney time nor reimbursable as paraprofessional staff (law clerk, paralegal, legal assistant) expense.

13. You must identify **time claimed that relates to two separate appeals** (whether same or different clients, whether both are CJA or one is retained) and how that time has been prorated. Time must be prorated between cases; Expenses incurred in common for more than one case must be claimed on a single voucher.

### **EXPENSES**

1. **Receipts** - Crosscheck every expense **receipt** against the amount entered on the travel or other expense billing worksheet. Did you transfer the (1) information from all receipts, (2) accurately, and (3) deduct non-reimbursable charges (e.g., alcohol, meals for a second person, personal expenses such as in-room movies)? Is each in-house copying expense documented by (a) date (not summarized by month), (b) rate (not more than \$.20/page), (c) what was copied, and (d) how many copies were made?

2. If you are requesting reimbursement for **creating a paper copy** of the entire record on appeal for yourself or your client, briefly explain in your voucher submission cover email how that expense was reasonable and necessary to adequate representation.

3. **Document Review:**

**Attorneys:** Please make every effort to use **pdf markup tools** (available free or at low cost from multiple software companies) for your record review. Markup tools have the advantage of being keyword searchable (rather than flipping through hundreds of sticky notes).

**Clients:** Most FBOP facilities have a law library where your client can review the record on disk. Contact their FBOP counselor and, if that option works, create a disk with the Record on Appeal that (a) has been properly redacted, and does not include: (b) the PSR/PSIR, (c) any sealed pleadings, (d) the statement of reasons, nor (e) any attorney-client communication.

4. The **cover of your brief** need not be card stock, it can be plain weight paper in the correct color. Nor must the brief be spiral/comb bound; a staple (heavyweight if necessary) in the upper left corner is acceptable. Such charges may not be reimbursed.

5. **Specific Expenses:**

- Filing fees are not reimbursable because they are generally waived for CJA clients upon proper application to proceed in forma pauperis.
- PACER fees are not reimbursable because a fee-exempt PACER account is available to all CJA attorneys for use in their CJA matters.
- The Tenth Circuit reimburses expedited delivery charges (FedEx, overnight USPS, or messenger) only for principal pleadings.

- Per U.S. Supreme Court rules, CJA clients permitted to proceed in forma pauperis need not booklet pleadings and may submit fewer copies on standard 8½ x 11 inch paper.
- Reimbursing mileage and fuel is duplicative and only one is reimbursable for a single trip.
- Local Bar admission fees are not reimbursable from CJA funds.
- A CJA 24 form authorizing direct payment to the court reporter should be completed for all transcripts necessary to the appeal. If counsel has erroneously paid this expense directly, it should be claimed on the 'other expense' worksheet and an explanation provided in the voucher submission cover email.
- Notice must be given to the court before engaging a relative (other than an attorney in the same firm) who will be compensated with CJA funds.

6. **Unusual expenses** may be considered reimbursable as "other services necessary for an adequate defense." In your cover email explain the circumstances from which the need to incur this expense arose and whether that circumstance would normally result in an additional charge to a fee paying client over and above that charged for overhead expenses.

### **VOUCHER SUBMISSION EMAIL**

Your Tenth Circuit CJA voucher submission email should:

- Include the appellate case number and caption in the subject line.
- State that a pen-and-ink signed voucher is being sent to the court by mail along with a CJA5/Attorney Data Form.
- Explain, if needed, why your request was not submitted within 45 days of final disposition.
- Notify the court whether you and client have decided not to file a certiorari petition.
- Identify any discrepancies between the appellate docket and your time or expense dates.
- Explain the reason for any stay of more than one overnight during oral argument travel.
- State why, if needed, you failed to use a CJA 24 to pay for any necessary transcript.
- Justify why, if needed, you did not obtain prior approval to exceed \$800 for Westlaw/Lexis or paraprofessional expense, and/or why, in the interest of justice, timely procurement of such services could not await prior authorization.
- Describe how it was reasonable and necessary to make more than this number of copies: briefs (10-12 copies); petitions for rehearing (14-15 copies); cert petitions (15-16 copies).
- Explain how the cost of making a paper copy or all or a large part of the record on appeal for yourself or your client was necessary to adequate representation.
- If you claim an unusual or extraordinary expense, describe the circumstances from which the need to incur this expense arose and whether that need would normally result in an additional charge to a fee-paying client over and above that charged for overhead.
- Identify any number of hours or dollars of expenses for which you are waiving payment.